

REMARKS

At the outset, the Applicant wishes to thank Patent Examiner Nasser Ahmad for the many courtesies extended to the undersigned attorney during the Personal Interview at the U.S.P.T.O. on September 1, 2004. The substance of this Personal Interview is set forth in the Examiner Interview Summary and in this Amendment.

The amendments to this patent application are as follows. Independent process claim 14 is being amended in order to cancel the term "multilayer" and to replace this by the phrase "four layer". Also, in claim 14, the word "comprising" has been changed to the phrase "consisting of". In the composite material claim 24, "multilayer" was changed to "four layer"; "wherein" was changed to "consisting of"; and "at least" has been cancelled. Claims 20 and 25 have been cancelled without prejudice in this Amendment. In previous Amendments, claims 1 to 13, as well as claims 15, 16, 17, 19, 22, 23 and 26 were previously cancelled.

During the Personal Interview, the Patent Examiner stated that any prior art rejection of the claims based on the *Duncan U.S. Patent No. 4, 626,460* and on the *Pedginski U.S. Patent No. 5,807,632* has been withdrawn.

Reconsideration and withdrawal are respectfully requested for the rejection of Claims 14, 18, 20-21, 24 and 25 under 35 U.S.C. 102(b) as being anticipated by *Shibano* (U.S. Patent No. 4,425,176).

The present invention is directed to a process for the production of a four layer composite material (1, 21) with a plastic layer (4, 24) that has release properties with respect to adhesives consisting of

locating materials producing the release properties within the plastic layer, wherein a first web (2, 22) is provided in production of the composite material (1, 21) on one side of which a layer of adhesive (3, 23) is located, and said adhesive layer is always coextruded together with the plastic layer (4, 24) with the release properties, which is in turn bonded to a second web (5, 25); and

wherein said first web and said second web is selected from the group consisting of paper, metal foil, and non-woven fabric.

The present invention is also directed to a four layer composite material produced in accordance with the process as described above, and this composite material is consisting of a first web (2, 22) and a second web (5, 25) which are provided,

between which a layer of adhesive (3, 23) and a further layer (2, 24) that has release properties with respect to the adhesive are located.

The *Shibano* reference in column 2, in lines 1 to 13, discloses that the release layer (A+c) and the reinforcing interlayer B for increasing the adhesion between the layer (A+c) and the backing substrate are simultaneously co-extruded under given conditions to bond the layer (A+c) to the substrate through the reinforcing interlayer B and permit the release layer (A+c) to be kept in contact with the pressure sensitive adhesive layer F with a view to provide increased adhesion of the release layer (A+c) to the backing substrate. In other words, the *Shibano* material is made up of a B-(A+c)-F system.

Thus, *Shibano* fails to teach or to suggest the claimed four layer composite material which consists of the claimed four specific layers in the claimed specific arrangement of the layers. The two outer layers must each be selected from the Markush group of paper, metal foil and non-woven fabric. The two inner layers are a layer of adhesive which is always coextended together with the plastic layer with release properties. Because each of claims 14 and 24 now recites "consisting of", all the claims are so

limited as to exclude the extra additional layers and structures of the *Shibano* composite material that is based upon different kinds of substances which are arranged in different positions for the layers. Having these claims recite "consisting of" prevents any reconstruction of the teachings of *Shibano* when viewed in light of the presently claimed invention.

The Office Action incorrectly proceeds from the assumption that it is described in *Shibano* that the release layer A is co-extruded with the adhesive layer F. This is definitely not the case. *Shibano* exclusively describes that the release layer A is extruded onto the substrate together with an adhesion imparting agent layer B. This extrusion can be carried out as co-extrusion, according to *Shibano* (column 8, lines 37-40). The same is disclosed in column 8, lines 58-61. The statement that the adhesion imparting agent layer B can be left out (column 22, lines 19-21) also does not lead to the result that it is known from *Shibano* that the release layer A is co-extruded together with the adhesive layer F.

Pedginski and *Duncan* also do not provide any disclosure or suggestion indicating simultaneous co-extrusion, from a single extrusion die, of a release layer and an adhesive layer.

Furthermore, it should be pointed out that the claimed release layer does not consist of a release material. Instead, it consists of the claimed plastic to which material having release properties is added. *Shibano* fails to teach or to suggest this release layer. Also, such a release layer is not known from any of the prior art references cited.

For all of the above reasons, none of the references provide an identical disclosure of the claimed invention. Hence the present invention is not anticipated under 35 U.S.C. 102. Also, the present invention is not rendered obvious under 35 U.S.C. 103 by any combination of prior art references. Withdrawal of these grounds of rejection is respectfully requested.

In summary, claims 1-13, 15-17, 19-20, 22-23 and 25-26 have been cancelled. Claims 14 and 24 are amended. Claims 14, 18, 21 and 24 are pending. In view of these amendments, it is firmly believed that the present invention and all the claims are now in condition for allowance. A prompt notification of allowability is

respectfully requested.

Respectfully submitted,

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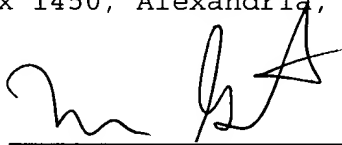
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